

ADAMS CITY COUNCIL COMMITTEE REPORT

The Public Hearing of the City Planning Commission was called to order on February 13, 2014, at 6:00 p.m. at the City Municipal Building.

On roll call members present were Kierstyn for Mayor Baumgartner, Marti, White, Menck and Burke.

Others attending: Administrator Ellisor, Attorney Stan Riffle-Arenz, Molter, Macy, Riffle & Larson, S.C., Chuck Sulik and Rob Uphoff-MSA Professional Services and several citizens.

Attorney Stan Riffle stated that the rezone is for the 28 acre parcel in the South Business Park. Nothing happens in the park unless there is a Planned Unit Development (PUD) approval. It gives the City a lot of authority to put the right types of conditions on it for anything that goes in that park. The Common Council set up a situation to see what actually goes there. The way the zoning works is you come in and get a Planned Unit Development overlay approval for whatever you want to do. Most of you saw the presentation last week by GEITS and if everything falls into place, the ultimate build-out of what that site would be. Tonight, is more of an explanation overview of this, what building would go where. The Planning Commission will of course take into consideration of what they heard last week and after the Administrator explains tonight what is involved in the potential layout and uses on that site, then open up to the public to comment or question. The engineers from MSA are here who can answer questions also. To maybe eliminate some of the concerns here, the recommendation that he will give to the City in terms of approval process for this rezoning is the Planned Unit Development approval being the document. The document sets forth all the terms and conditions that have to be met by the developer in order to get any building permit and occupancy permit. An example is the first phase is the solid waste processing facility. He would recommend to the Planning Commission, who then would recommend to the Common Council, who makes the final decision. His recommendation is, if they think it is a good idea to put a Planned Unit Development overlay to allow for the development, it would be subject to "this document" which is a binding zoning approval. When GEITS is ready to build this first phase and pull a building permit for this transfer facility, this packaging facility, they will show us detailed plans of operation and a final detailed site plan with all construction documents in final form, and State approved plans. But also the lighting plans, landscaping plans, material handling plan, inside storage plan, outside storage plan, there will be conditions associated with DNR required permits, you don't get a building permit until we see all of it. These are the requirements and they will need to meet the requirements to get the building permit. Not only everything he can think of but what the engineers think of that will go into this document for preconditions of getting a building permit but also what you bring up that we may not have thought about we will take in account. The procedure is after the presentation of the Administrator laying out the plan, then the Plan Commission Chair will open it up for public comment and or questions. One at a time, state your name and address then your question/comment and we'll do our best to answer them. The Chair will then close the Public Hearing and he will make certain recommendations, they will discuss and vote if they recommend to Council the approval of Planned Unit Development zoning on site A (28 acres).

Administrator Ellisor distributed plans of Site A for the Planned Unit Development which is a unique mix use of the development. The phasing of it would happen individually, starting with the site A then moving on to the production or if the office, or education or hotel. Moving forward each one would be handled separately but what we are looking at is the use of the land. The multi-purpose production processing center happens to be an indoor processing facility, the storage would be temporarily then taken off-site to another location for long term storage. The inside will convert the waste into a dry mass that is densely packaged and wrapped for longer term storage. Another component that goes with the operational plan is how this is processed and how used. The waste processing at this point isn't meant to be long term. The building would take on a different use after the 2-3 year term and believe that would be part of the operational plan as well. The facility wouldn't be of that use from here on out, it would be an interim use at this time. The other mix

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use would be the production facility, the hotel and all the rest will be addressed individually. All requirements will have to be met.

Attorney Riffle stated until we know for sure how the waste will be handled and his recommendation will be they will tell us how it will be handled and we will react to that with further conditions to approve their plan. They cannot start building until the zoning is in place as long as you have safe guards in place before they can turn any dirt you are protected. What he understands the usage that will be permitted under this Planned Unit Development for the multi purpose production processing facility, the expansion for that and the series of manufacturing or production facilities that are shown, then potential office space, potential hotel, parking is associated with that, and that would be envisioned by the Planned Unit Development as potential development by phase. What Bob would recommend and I would recommend will be, as each phase comes in, we see detailed site plan, a plan of operation for each specific use and each specific building as it comes in and that would be subject to scrutiny at that point in time.

Chairperson Kierstyn then opened the Public Hearing up to the citizens.

Warren LaQuee, 164 S Pine St., stated he is 110% behind creating jobs a solar plant he would be happy. He opposes storing garbage in the City limits. They said its plastic wrapped but he guarantees coons, skunk, rats, bear, anything will go through that plastic. He does not want the City to turn into a garbage dump for Chicago, Milwaukee, wherever. He can't believe the DNR would allow garbage storage that close to the City well.

Jim Gately, 2801 Co. Rd. B, south end of County, Questioned -Have you considered another site for this processing. Shifting it around there will be a lot of excess handling, some might go to the dump on 21, the processing plant up here by the hardwoods, with three different locations it seems to him you would want to consolidate them to save money and handling. Attorney Riffle stated that we react to applications and they have to decide if they want to approve this application for this location. They own the property now and asking to use it in this fashion and if the Common Council feels it is not a good use for that, they will turn it down.

Laura Devaney, 730 Duck Creek Ave., Grand Marsh, she has property in the subdivision. Questioned - Is just for the 28 acres. Attorney Riffle stated just the 28 acres is the only thing under consideration tonight.

Andy Garman, 3024 11th Dr, Grand Marsh, he has property in the subdivision. From past experience as he was a truck driver and the trucks still smelled after they were steam cleaned. Questioned - The smell and the paper that will fly around it. Attorney Riffle stated that the engineers will take note of that and have a plan and should be addressed by the applicant and made conditions to be sure it doesn't happen.

Ken Romell, 321 N Grant St., Questioned – is the transfer station/storage going to be located at the south-east corner near the well. Administrator Ellisor stated that is the location.

Bob Eggebrecht, 629 S. Linden St. Stated- he lives 2 blocks from this stinking place. He calls it stinking because that is what he believes that's what it's gonna be. Normally in Adams, there is a southeast or a southwest wind, there is no way you can keep that smell in that building. There will be 100 tons on garbage stored on site, why not in the northeast section of the property. He understands that they will be stored outside in plastic bails. Rats are notorious for getting in just about anything. You got coyotes, cats, mice, rats, coons, you name it. They will get through that plastic. As far as the seepage goes it's a brand new well and we got a fortune tied up in it. We must have a million and a half dollars in that property already. Its garbage, they use acronyms to go around it. Attorney Riffle stated that we are not dealing with that at all, it will be hauled off and stored somewhere else after they bail it up. Administrator Ellisor stated where exactly has not been determined yet and details have to be worked out with the DNR. The experts here will try to put together the best plan in terms of making sure that does not happen. For instance, nothing is sorted outside, period. Or, if stored outside, it's stored in a certain way that insures it doesn't smell bad.

Patricia Garman, 3024 11th Dr. Grand Marsh, she has property in the subdivision. Asked- if this is recycling is the same as what was on 21. Discussion was held by those attending.

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Jeff Devaney, 730 Duck Creek Ave, Grand Marsh, he has property in the subdivision. Questioned – if this is approved will the Railroad Subdivision be forced to hookup to sewer & water. Bob White stated there are lift stations there if it is ever needed. Administrator Ellisor stated that he is not aware of any plans.

Charles Jerominski, 1985 W. 7th Ct. Friendship, Questioned – How many jobs is this going to create. You are going to have a City dump over there, 10-12 jobs at minimum wage, can't we do better for all the money being spent. What are we gaining, the cost is already very high for Adams and now a dump with rats & mice.

Julie Roseberry, 492 N. Cedar St., Who reviews all these plans with the stipulations, the DNR permits and how much of the City is using that water from that well. Attorney Riffle stated on the legal end would be him, on the engineering end that would be MSA. It's in the Administrative Code; the DNR would look at proximity to wells, the solid waste aspect to this facility. When you get to the gasification, if it comes in, you got air regulations in terms of emissions and a whole host of different issues. Marti stated that we have two. Attorney Riffle stated probably everybody because it's probably an integrated system unless you have a private well.

Ken Romell, stated- last Wednesday he asked Rajesh if they are following restrictions and permits. He asked Anna McCabe from the DNR said they haven't contacted us yet. Attorney Riffle stated they will have to.

Bob Eggebrecht, stated- you said if the gasification plant goes in. Aren't they giving that property back by the City garage. There's nothing about gasification in our conversation, where's the garbage going. Attorney Riffle stated that they will be when we get the agreement together. They are building the stock so they have something to start the gasification plant. We'll have provisions if that doesn't go in, maybe this has to go in. It's all going to be part of the process, part of the master agreement. One of the things is he is recommending to the Plan Commission and we all talked about last week, we got to get rid of this master contract, so it's gotta be replaced. He certainly would not recommend we approve this rezoning unless the new agreement is in place that deals with all of it.

Warren LaQuee, stated- that the Council really take into consideration of property damage that will take place and property values, Big River is sitting right in the middle of it.

Brenda Quinnell, 1948 Co. Rd C, Friendship, questioned this where the bon fire was at, by the well. With the rezoning, with this plan, if it doesn't work that close to the well, will the rezoning authorize to have it by where the proposed hotel is. Attorney Riffle stated that everything you see as a potential use on this page would be approved that it would be subject to getting more information. For instance, if we get information later on that with this use really don't belong here because of concerns reached by environmental perspective, DNR says no, whatever, but good for up here, then this approval that Common Council would make, if it goes through, would allow for that. All the uses in here would be permitted but not necessarily where they're at on this site A.

Bob White, Planning Commission Member, questioned- if something can be setup like a contingency fund for the removal of the garbage if something were to happen. Attorney Riffle stated that a condition will be placed and will definitely happen with the garbage on site, if something were to happen there is money to take care of it. If it's a surety bond, or amount of bails to keep, it will definitely be addressed.

Hans Menck, Planning Commission Member, questioned- this is drawn up that they will move the bails somewhere else. Administrator Ellisor stated the location for the storage needs to be worked out and first with the DNR. It will have to be approved regardless of where the storage will be. It will be nominal and temporary near the site. Any long term storage, at this point, pending how things are worked out with the DNR, going forward, it is anticipated to be off site.

Andy Garman, 3024 11th Dr. Grand Marsh, questioned- the noise level or visit another site similar to it. Attorney Riffle stated that he does not know how many trucks they will bring in a day or how much they plan to process a day, but you know what dump trucks sound like. We will address transportation plans.

Darcy Beckman, 1106 Fern Ave., this is the first that she has heard of the storing off site, which makes her conclude that they really are not looking seriously about putting in a gasification plant there. Why would

they pay to ship it somewhere else and turn around and bring it back. Attorney Riffle stated that they probably couldn't get permitted to put it on the site. They are talking about temporarily until they get the gasification plant up and running. Then they will close this down and build a new one up on site B and it will go straight from the hopper into the gasification. They need someplace to store it initially to have enough stock for when they are running.

Julie Roseberry, questioned if the City would be liable for anything if it's stored elsewhere. Attorney Riffle replied no.

Jeff Devaney, they want to build something and get it running in site A, then close it down and we're going to have this meeting again for site B to rezone. Why not start on B. Attorney Riffle stated he has been told the zoning on site B is there. Kierstyn stated there is not any infrastructure there.

Bob Eggebrecht, Site B is two City blocks away, that's even closer to town, that's even worse. He thinks we have a con going here and wished we would have open sessions, instead of the closed sessions all the time. Then we wouldn't have to come here to ask questions. He is on the County Board and every one of those people asks him what the City is doing, it's your district. I say I don't know, I can't get any answers so what am I going to tell them.

Attorney Riffle said this isn't being decided in closed session and that is the point of this meeting, to ask questions. He asked what are the questions that you want answered, we will try to answer them. Eggebrecht replied that is what he is trying to get tonight.

Brenda Quinnell, to clarify from last week, they said they are breaking ground in two weeks. Attorney Riffle stated he doesn't see how that can happen. She asked if MSA will be reviewing the plans for the permits such as the water, runoff, etc. Attorney Riffle yes.

Jim Gately, did they consider building the gasification plant first, what happens if you get stuck with all that garbage. Attorney Riffle stated they need something to put in it and that's why we will have conditions to make sure we don't get stuck with a lot of garbage.

Sandy Kierstyn, 204 S. Holtz St., questioned- tonight is just for the rezoning and not to approve plans of buildings. Attorney Riffle stated this is a meeting for the Plan Commission to make recommendations to the Common Council to decide the rezone. If you do rezone, you can put reasonable restrictions and they build it to the conformity of the conditions.

Julie Roseberry, questioned- when would you come up with the big list of things. Attorney Riffle when they present their plan of operation. The general approval is with the rezoning, it would say the PUD overlay is approved and you cannot move forward with any development until you present...landscaping, lighting, every permit from Federal, State all that are required.

As there were no more questions the Public Hearing was adjourned.

Motion by Marti, second by Burke to approve the minutes of the meetings held September 3, 2013 and February 5, 2014. All voted Aye.

Agenda Items

1. Review and Approve General Development Plan for Planned Unit Development for parcels located in PT NW ¼ SW ¼ LOT 1 CSM 1904: Parcel 201-00098-0010; PT SE ¼ NW ¼: Parcel 201-00097-0000; RT N ½ SW ¼ & PART SW ¼ SW ¼ LOT 1 CSM 3267 EX CSM 5387 & 5466: Parcel 201-00098-0502 (1 E Main Street STE 500-GEITS Property)

Attorney Riffle stated what the Plan Commission should do is discuss whether or not, assuming that all the conditions would be protective to the City and the concerns raised at this Public Hearing tonight could be addressed. Whether they (Planning Commission) would recommend to the Common Council approval of the rezoning and a direction to staff (him and MSA) to move forward to put the proposed document into place

for the consideration of the Common Council. As well as any further suggestions in terms of what we should include.

Marti stated that hear our citizens who are against having a garbage sorting facility out there and will try to get answers to their questions.

White stated the reason he would approve the Planned Unit Development rezone is that this is the only thing that can fit in there and we would have the control over that and that is protection for the City.

Kierstyn stated that with the restrictions on it and MSA & Attorney Riffle making certain we are protecting the City.

Attorney Riffle stated if you are in favor of moving this forward the approval of the Planned Unit Development overlay someone would make a motion to recommend to the Common Council approval of the rezoning request of Planned Unit Development overlay with conditions that Legal Counsel and our Engineering Consultants (MSA) incorporate conditions to address all the concerns that were raised here tonight and concerns staff would have in terms of everything we talked about for consideration to the Common Council to make the ultimate decision. That is basically his recommendation if you wanted to move this forward, if you don't you make a recommendation to the Common Council to deny the zoning request.

Recommendation Relating to a Request for a Change in Zoning from Industrial (I-1) to Planned Unit Development (PUD) for Parcels located in PT NW ¼ SW ¼ LOT 1 CSM 1904: Parcel 201-00098-0010; PT SE ¼ NW ¼: Parcel 201-00097-0000; RT N ½ SW ¼ & PART SW ¼ SW ¼ LOT 1 CSM 3267 EX CSM 5387 & 5466: Parcel 201-00098-0502 (1 E Main Street STE 500). **Motion by Kierstyn, second by Burke to recommend to council the rezone to Planned Unit Development (PUD) of the 28 acres with the conditions that will be incorporated by Legal Counsel and our Engineers. Roll call vote, all voted aye.**

Motion by Marti, second by Menck to adjourn. All voted aye.

Council President Kierstyn/jlw
Acting Committee Chairperson

NEXT MEETING: TBD